

# **Understanding Bulletins Live! Two**

---

Steven Lennartz, Mapping Scientist  
Environmental Fate and Effects Division  
Office of Pesticide Programs, US EPA  
February 27<sup>th</sup>, 2019

## EPA Today's Topics

- » Introduction
- » Why Web Mapping of Endangered Species is Used
- » Creation of a Bulletin
- » How *Pesticide Use Limitation Areas (PULAs)* are created
- » Pesticide Use Limitation Area (PULA) Verses a Bulletin
- » Using and Understanding Bulletins Live! Two
- » Frequently Asked Questions – General and dicamba
- » Contacts

## EPA Introduction

### ▪ Endangered Species Act (ESA)

- Intended to protect and promote the recovery of plants and animals in danger of becoming extinct
- Section 7(a)(2) of the ESA requires federal ("action") agencies to insure that any action they authorize, fund or carry out is not likely to jeopardize the continued existence of a listed species or result in destruction or adverse modification of critical habitat.
- FIFRA - "action" subject to the consultation provisions of the ESA is the registration of a pesticide.

The ESA is intended to protect and promote the recovery of plants and animals that are in danger of becoming extinct. The U.S. Fish and Wildlife Service (FWS) and NOAA's National Marine Fisheries Service (NMFS) (collectively, the Services) administer the ESA. Section 7(a)(2) of the ESA requires federal agencies (or "action agencies") to insure that any action they authorize, fund, or carry out, will not likely jeopardize the continued existence of any listed species, or destroy or adversely modify any critical habitat for those species.

Under FIFRA the "action" subject to the consultation provisions of the ESA is the registration of a pesticide.

## EPA Introduction (cont.)

### ▪ **Endangered Species Protection Program (ESPP)**

- Helps promote the recovery of listed species
- Designed to determine whether pesticide use in a certain geographic area may affect any listed species
- If limitations on pesticide use are necessary to protect listed species in that area, the information is relayed through Endangered Species Protection Bulletins
- Goal: to carry out responsibilities under FIFRA in compliance with ESA, without placing undue burden on agriculture and other pesticide users

EPA's Endangered Species Protection Program (ESPP) helps promote the recovery of listed species. When I say listed species, I am referring to species listed as threatened or endangered. It is designed to determine whether pesticide use in a certain geographic area may affect any listed species. If it is determined that pesticide use limitations are necessary to ensure that legal use of a pesticide will not harm listed species or their critical habitat, EPA may either change the terms of the pesticide registration or establish geographically specific pesticide use limitations. When geographically specific use limitations are necessary, they will be reflected in Endangered Species Protection Bulletins (or Bulletins).

The goal of the ESPP is to carry out our responsibilities under FIFRA in compliance with the Endangered Species Act (ESA), without placing unnecessary burden on agriculture and other pesticide users.



## Why Web-based Mapping for Endangered Species Protections is Used

- » Accessibility to a variety of Bulletins Live! Two Users
  - » State Lead Agencies
  - » Pesticide Applicators
  - » Others
- » Bulletins are an extension of the label!
- » Allows for location-specific protections
- » Information Bulletins provides includes
  - » Location of use limitations
  - » Products with limitations
  - » Terms of the limitation
  - » Does not include identification of species

Others include; academia, NGO's

Geographically specific pesticide use limitations will be reflected in Bulletins

## EPA Creation of a Bulletin

- \* A determination is made regarding whether or not a Bulletin is needed to protect listed species based on risk assessments and/or input from the Services via consultation.
  - ※ Goal is to identify potential risks from a pesticide's registered use(s) and to identify species/taxa of concern
  - ※ Methods follow EPA's current ESA methodology for assessing risk to listed species
  - ※ Informs mitigation options for listed species where risk cannot be precluded from the application instructions on the label
  - ※ Effects determination may consider timing of application relative to species locations and species biology

"Effects determination"



## How Pesticide Use Limitation Areas (PULAs) are created

- If species of concern are identified, then a proximity analysis is conducted to determine if listed species are located within the labeled use sites
  - Proximity analysis is an overlay of species ranges with potential use sites and is informed by the risk assessment
  - Evaluates the potential for exposure on the field and from off-site transport
- Spatial Data
  - Species location information is obtained from the US Fish & Wildlife Service and/or National Marine Fisheries Service
  - The data used to generate use sites originates from the USDA Cropland Data Layer (CDL) or dataset deemed appropriate for the analysis

Include a CDL reference for use??

Note from Marietta – Explain the difference between a Bulletin and a PULA



## Pesticide Use Limitation Area (PULA) Verses a Bulletin

- Pesticide Use Limitation Area (PULA)- Geographic area where a pesticide limitation specific to listed species applies
- Bulletin – The printed PDF from the Bulletins Live! Two application, provides the limitation information for your application site and month
  - Save this PDF as your record of compliance

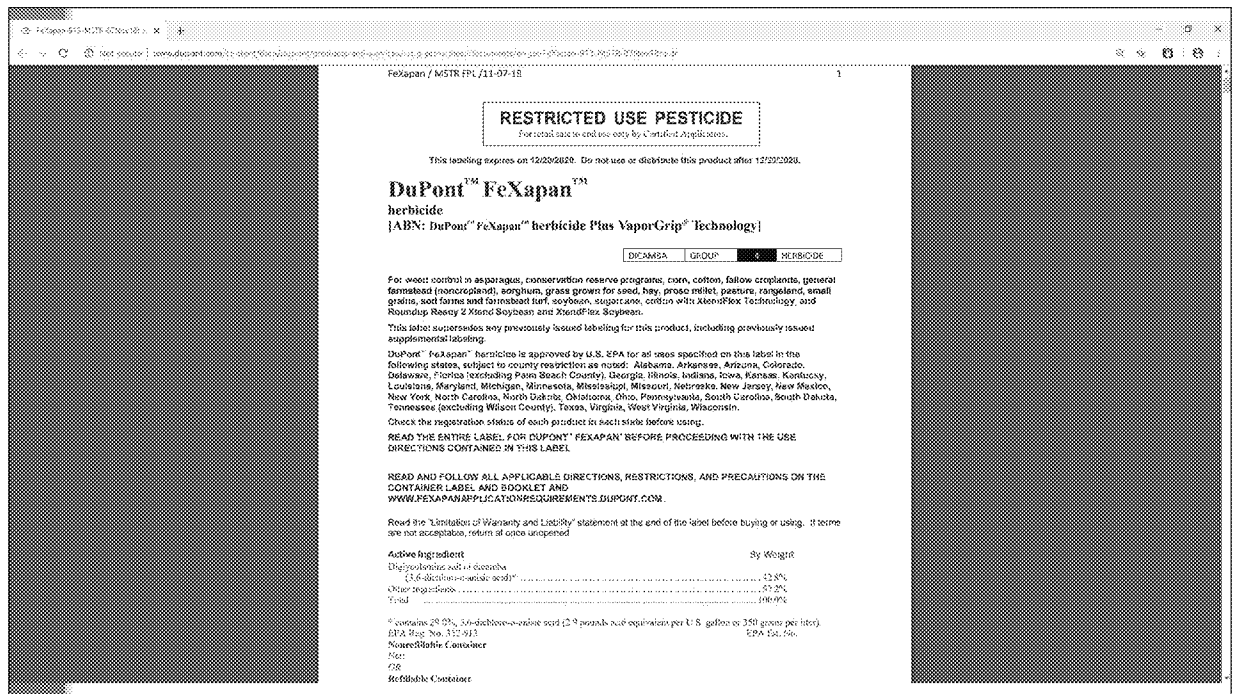




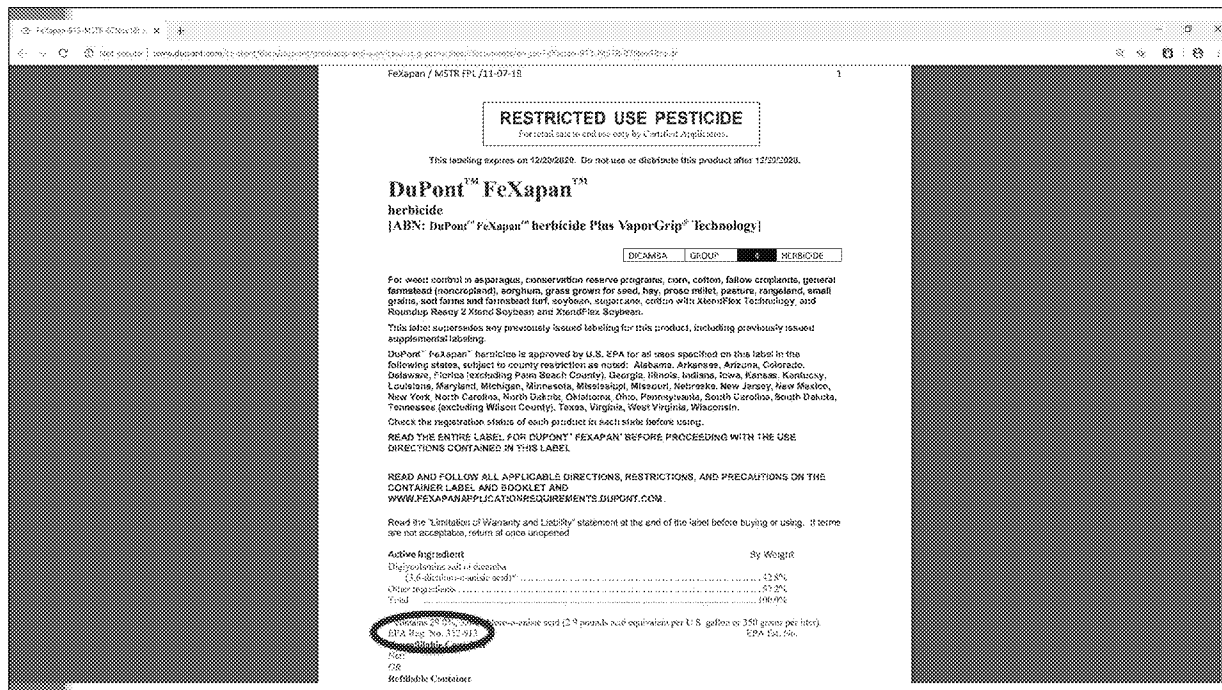
## Using and Understanding Bulletins Live! Two

- » Topics Covered During the Demonstration
  - » Using the map application tools
  - » Identifying the intended pesticide application area
  - » Selecting the application month
  - » Refining your search
  - » Selecting a PULA
  - » Printing a Bulletin
  - » Understanding the components of the PDF Bulletin
  - » Obligations

The downloadable tutorial on the BLT website covers these exact topics. Thank you to Gretchen Paluch for suggesting the format.



It all starts with the label.



DuPont FeXapan  
EPA Reg No. 352-913



## Using and Understanding Bulletins Live! Two (cont.)

- **Endangered Species Concerns** – Use of this product in a manner inconsistent with its labeling may pose a hazard to endangered or threatened species. When using this product, you must follow the measures contained in the Endangered Species Bulletin for the area in which you are applying the product. To obtain Bulletins, no more than six months before using this product, consult: <https://www.epa.gov/endangered-species> or call 1-844-447-3813. You must use the Bulletin valid for the month in which you will apply the product.

Demo

<https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins>

Note- the old URL is still active [www.epa.gov/espp](http://www.epa.gov/espp) and EPA will continue to redirect to the url above







Endangered Species Protection

Endangered Species Protection

Environmental Topics

Rules & Regulations

About EPA

Search EPA.gov

CONTACT US

SHARE

Facebook

Twitter

YouTube

Instagram

Endangered Species Home

About the Endangered Species Protection Program

Assessing Pesticides Under the Endangered Species Act

Endangered Species Information For Pesticides Users

Litigation on Endangered Species and Pesticides

**Bulletins Live!**

For Kids

Endangered Species Protection Bulletins

Endangered Species Protection bulletins are a part of EPA's Endangered Species Protection Program. Bulletins set forth geographically specific pesticide use limitations for the protection of threatened and endangered species and their designated critical habitat.

Obtain Bulletins using EPA's Bulletin User Tool application.

Link to Bulletin User Tool

Go to the quick start guide.

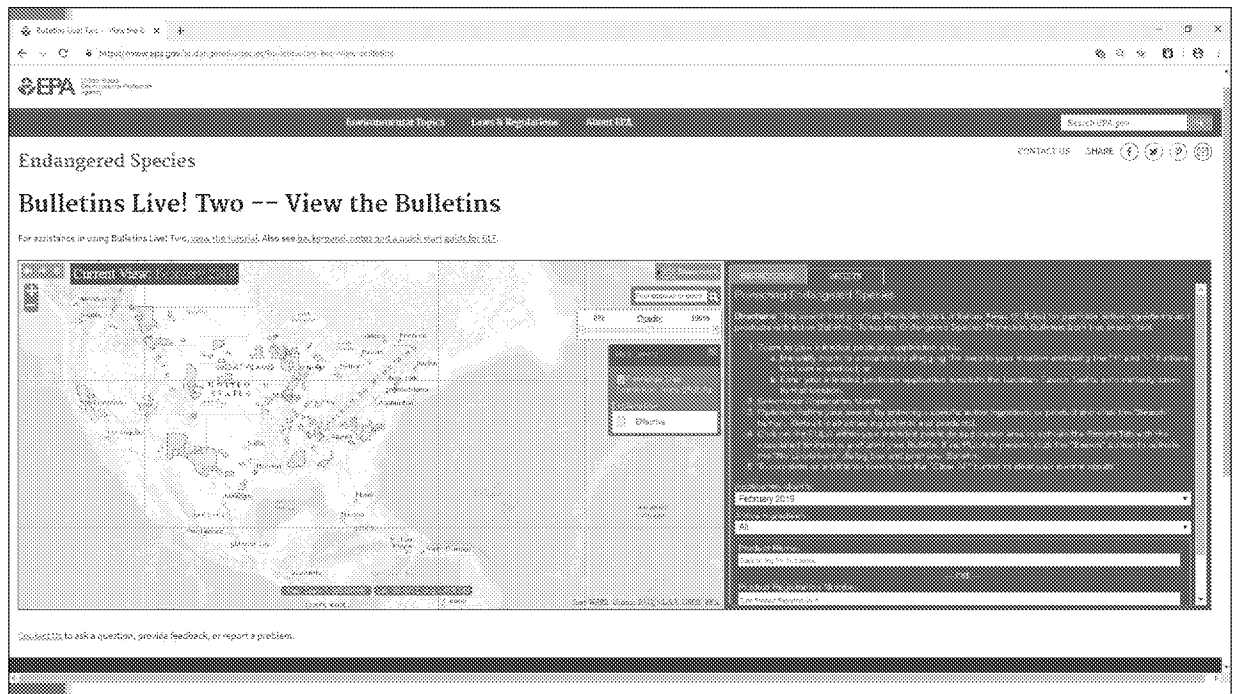
If your pesticide label directs you to this Web site, you are required to follow the pesticide use limitation(s) found in the Bulletin for your intended application area, pesticide active ingredient or product and application month.

EPA's Bulletins contain the following information:

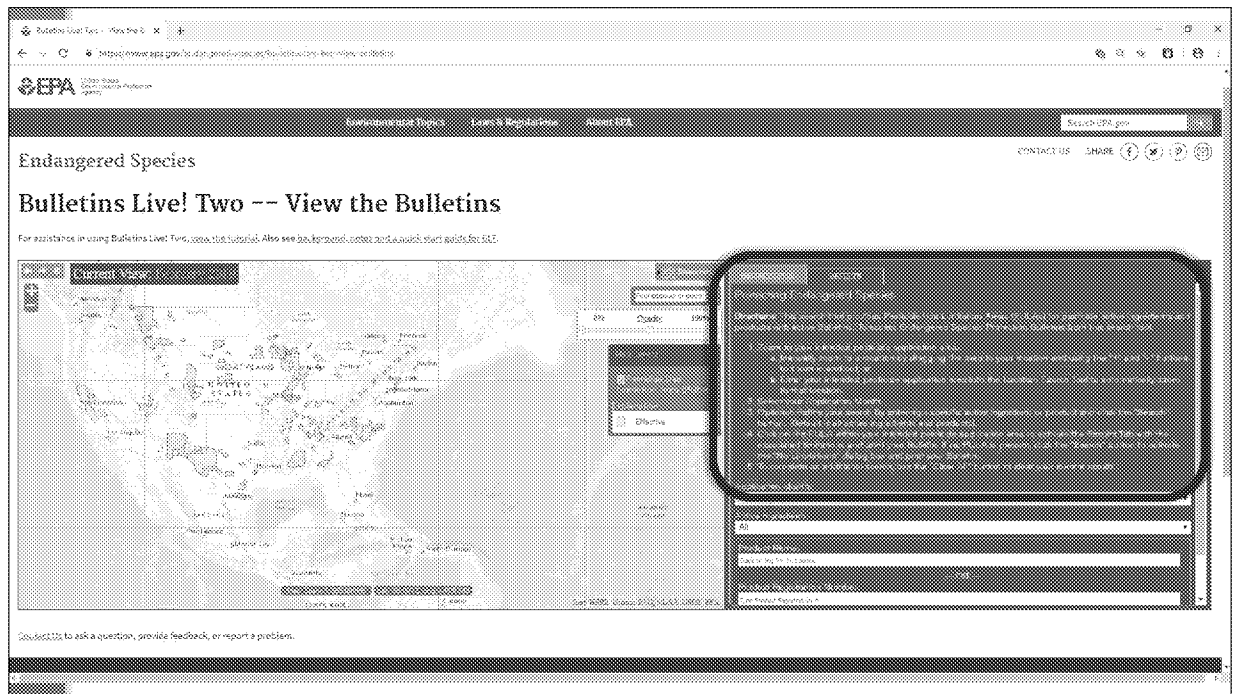
- Map of the user-defined intended application area.
- User selected active ingredient and/or pesticide product to be applied.
- Pesticide use limitation(s).
- Month for which the Bulletin is valid.

Important Notes about Bulletins

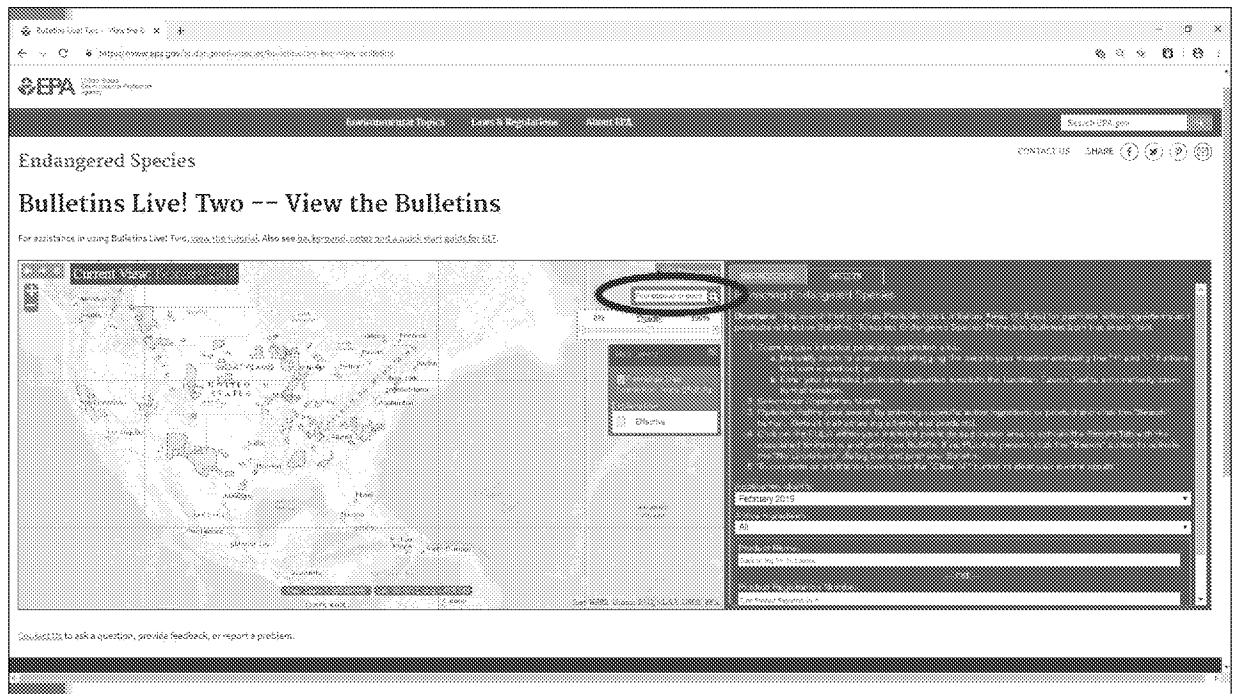




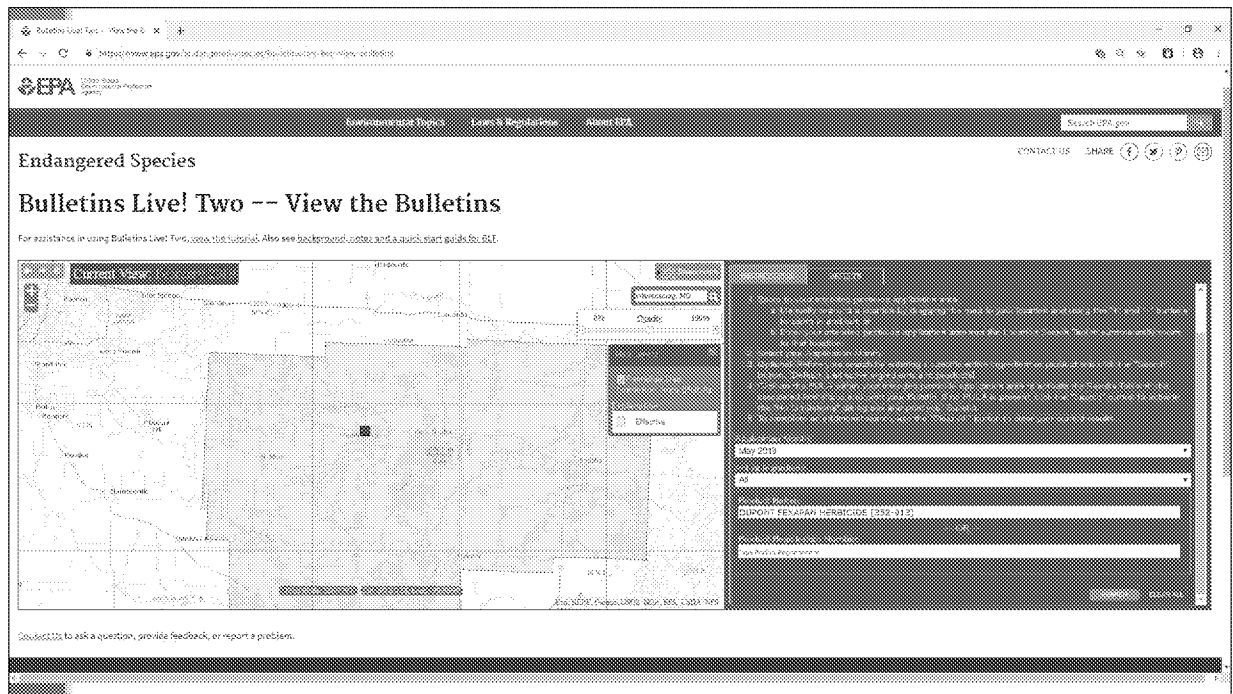
Home page of Bulletins Live! Two application



Instructions tab



Search Engine for place



Warrensburg, MO

DUPONT FEXAPAN HERBICIDE [352-913]

Select PULA by clicking location

Zoom to your intended pesticide application area:

Manually zoom to a location by dragging the map to your location and using the "+" and "-" buttons to zoom in and out, or Enter your intended pesticide application area into the Location Search Tool to automatically zoom to that location.

Warrensburg, MO

Select your Application Month. May 2019

Optional: Refine your search by entering a specific active ingredient or product and click the "Search" button. (Default is all active ingredients and products).

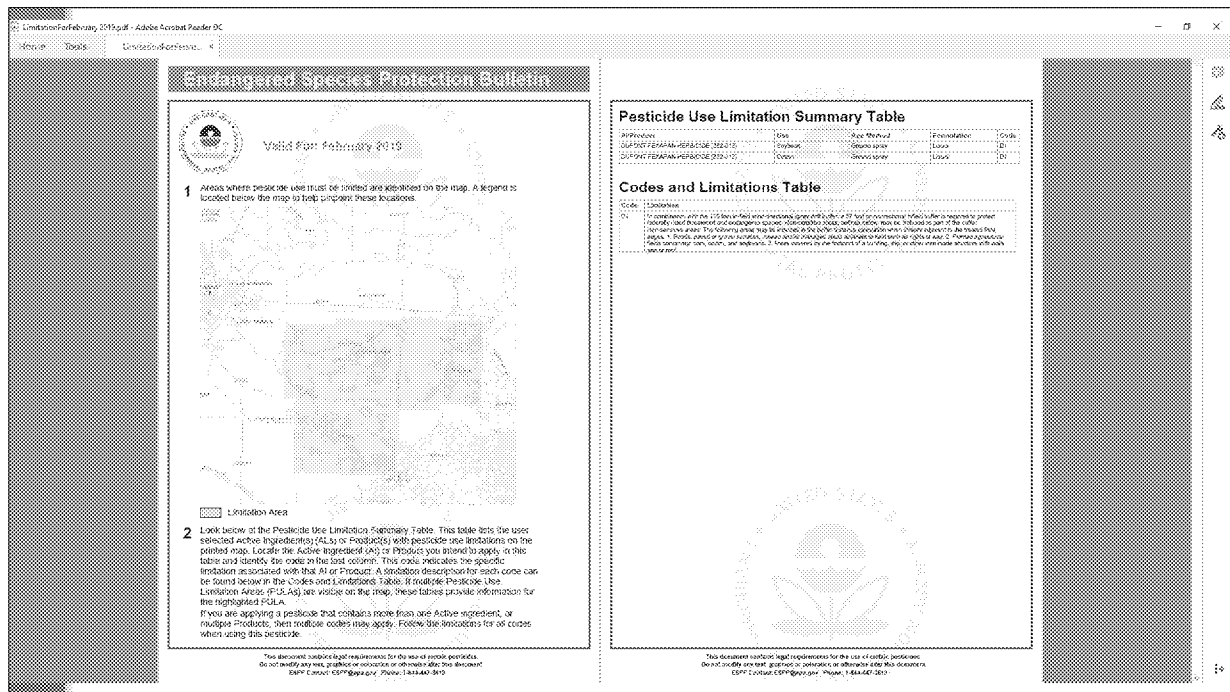
DUPONT FEXAPAN HERBICIDE [352-913]

Click on the PULA within your intended pesticide application area to activate the Results Tab with the associated limitations and print your Bulletin. If no PULA is present, click the "Search" button to activate the "No Limitations" dialog box and print your Bulletin.

To complete an additional search, use the "Clear All" button to clear your current results.







The printable Bulletin PDF should be kept as your record of compliance with the label

Pesticide Use Limitation Summary Table				
AI/Product	Use	App Method	Formulation	Code
DUPONT FEXAPAN HERBICIDE [352-913]	Soybean	Ground spray	Liquid	D1
DUPONT FEXAPAN HERBICIDE [352-913]	Cotton	Ground spray	Liquid	D1

Codes and Limitations Table	
Code	Limitation
D1	In combination with the 110 foot in-field wind-directional spray drift buffer, a 57 foot omnidirectional infield buffer is required to protect federally listed threatened and endangered species. Non-sensitive areas, defined below, may be included as part of the buffer. Non-sensitive areas: The following areas may be included in the buffer distance calculation when directly adjacent to the treated field edges: 1. Roads, paved or gravel surfaces, mowed and/or managed areas adjacent to field such as rights of way. 2. Planted agricultural fields containing: corn, cotton, and soybeans. 3. Areas covered by the footprint of a building, silo, or other man made structure with walls and/or roof.

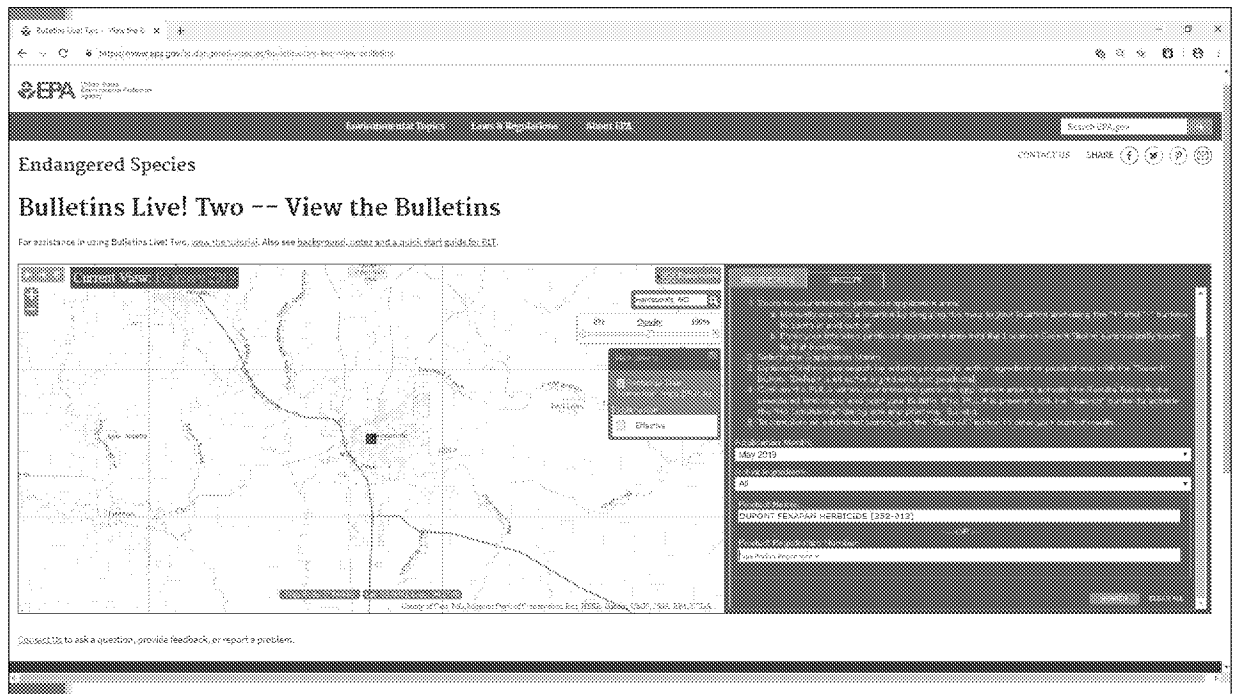
The "Code" is internal to the Bulletins system and links the product to the limitation language





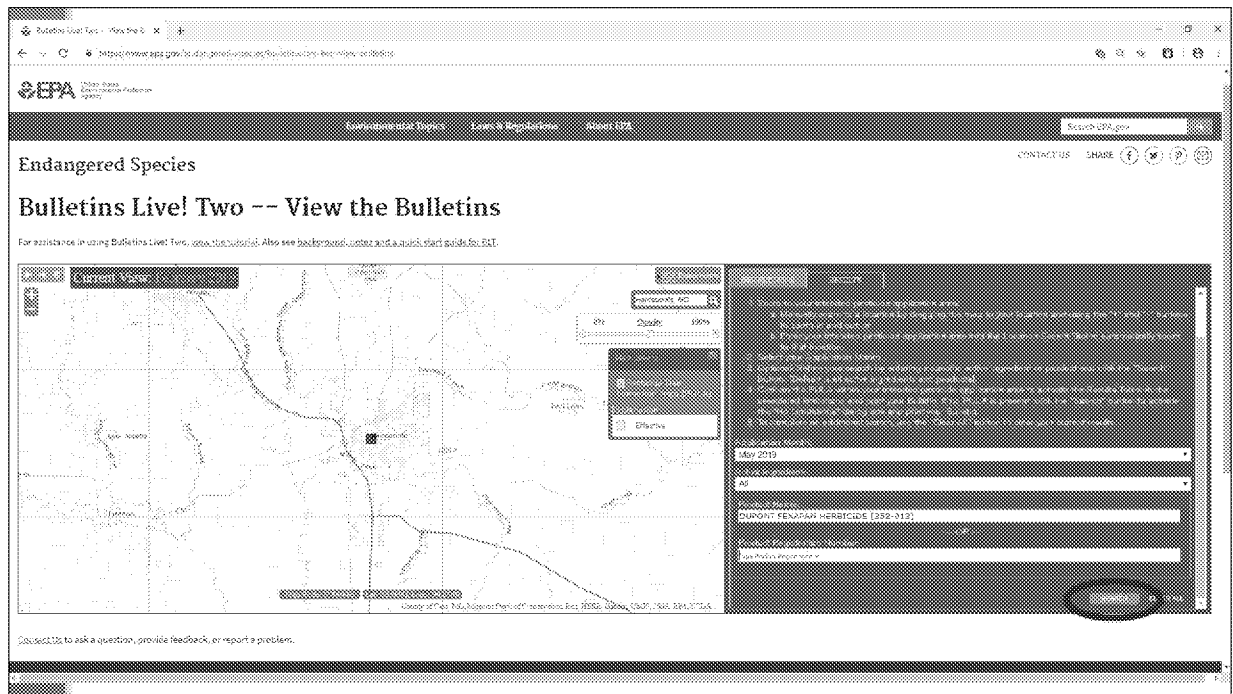
## Using and Understanding Bulletins Live! Two (cont.)

- What if there are no Bulletins for my application site and month?
  - Save the printable Bulletin documenting that no Pesticide Use Limitation Area (PULA) exist for your application site and month.



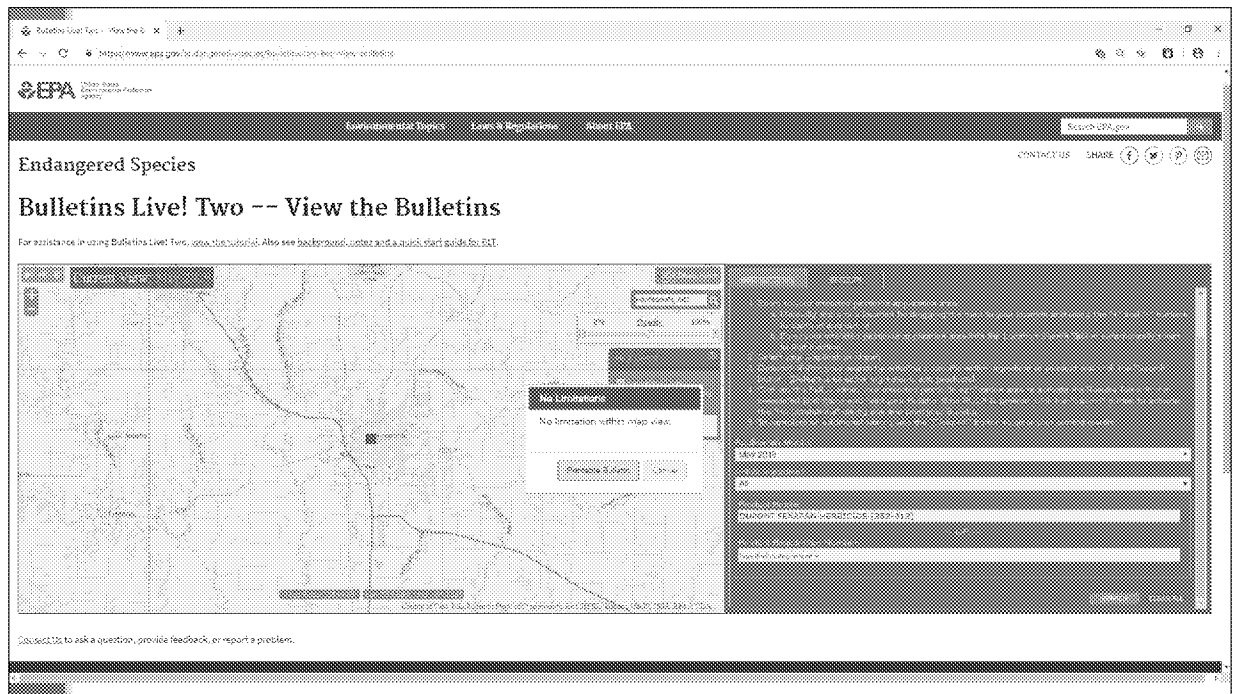
Harrisonville, MO

If no PULA is present, click the "Search" button to activate the "No Limitations" dialog box and print your Bulletin.



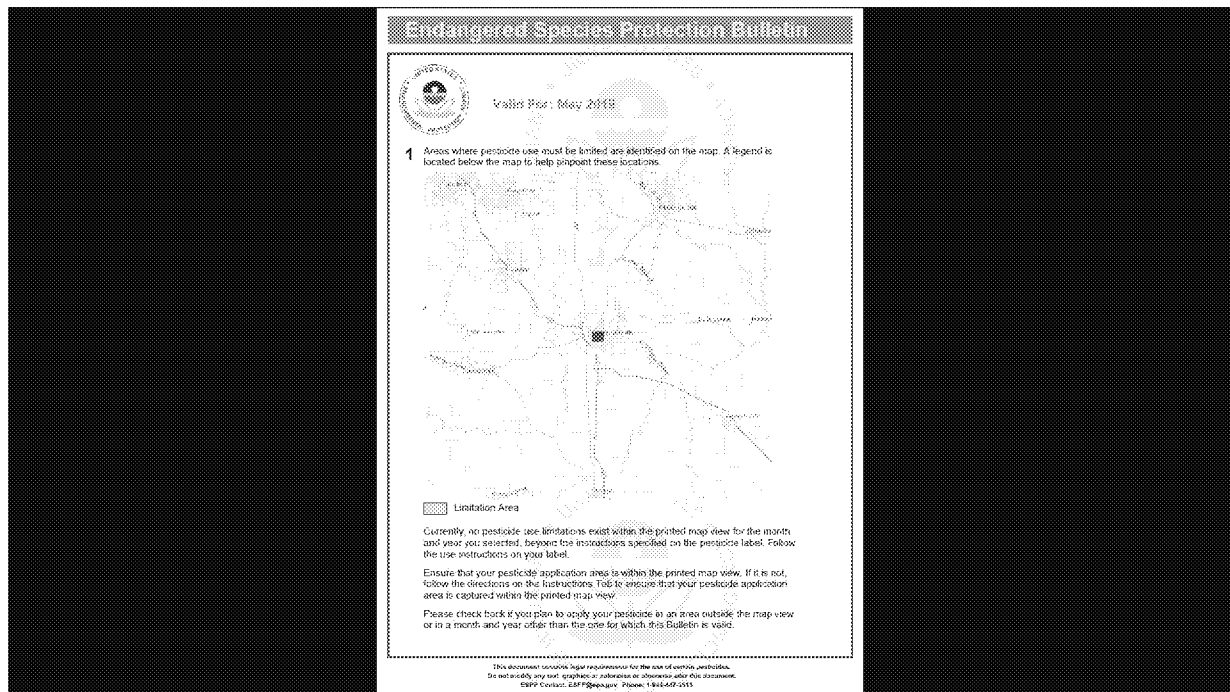
Harrisonville, MO

If no PULA is present, click the "Search" button to activate the "No Limitations" dialog box and print your Bulletin.



A notification pop-up reading, "No limitation within map view"

Select, "Printable Bulletin"



Currently, no pesticide use limitations exist within the printed map view for the month and year you selected, beyond the instructions specified on the pesticide label. Follow the use instructions on your label.

Ensure that your pesticide application area is within the printed map view. If it is not, follow the directions on the Instructions Tab to ensure that your pesticide application area is captured within the printed map view.

Please check back if you plan to apply your pesticide in an area outside the map view or in a month and year other than the one for which this Bulletin is valid

## EPA Summary

- Follow the labeling instructions
- If directed, visit the Bulletins Live! Two website to check for any Pesticide Use Limitation Area (PULA) for your application site and month
- Save a copy of the Bulletin for your record of compliance
  - Save a copy documenting if there is no Bulletin too!
- If your application timing or location changes, check BLT again
- Contact the ESPP help desk to resolve any questions you may have

## EPA Frequently Asked Questions- General

### » Overview

- » The ESPP help desk inbox and hotline receives inquiries a few times per month on average.
- » More inquiries are received when a new Bulletin is released
- » Some local pesticide regulators or trade groups will bundle questions and send them directly to the point of contact for a specific chemical.
- » Following are some common questions that have been submitted.

Discuss the process for leaving a message and getting a follow-up, timing, etc. Not every caller leaves a message. The hotline received 4 dicamba messages since December 1st. The email inbox received 10 general messages and 5 dicamba related messages since 12/1.

How many dicamba inquiries have been received phone/inbox

## EPA Frequently Asked Questions (cont.)

- \* *What browsers are compatible with Bulletins?*
  - \* Internet Explorer (any version later than version 9);
  - \* Google Chrome;
  - \* Mozilla Firefox; or
  - \* Safari.
  - \* Mobile devices (Tablets, Phones, etc.)
    - \* BLT works on most mobile formats. Not all have been tested. Please share feedback specific to your device and version to the ESPP help desk.

Technical problems should be reported to the ESPP help desk



## EPA Frequently Asked Questions (cont.)

- *Why can't we see what species the limitation is for?*
  - At the request of the USFWS and NMFS, species identifications were removed to discourage collection of listed species by the public

## EPA Frequently Asked Questions (cont.)

- *The search engine on the Bulletins web application doesn't include common trade names for products*
  - EPA relied on the trade names as supplied by the registrant at the time the Bulletin is created.
  - OPP is working to update the names as needed and is exploring ways to improve the search feature.
  - The best way to search is using registration numbers. Registration numbers remain consistent.

Dicamba includes: Engenia Herbicide [7969-345], DuPont FeXapan Herbicide [352-913], M1768 Herbicide [524-617]

## EPA Frequently Asked Questions (cont.)

- *Are Bulletins enforceable?*
  - Yes. Bulletins are an extension of the label.
  - Not following the limitation on your Bulletin is a misuse of the pesticide and enforceable under FIFRA
  - If this misuse results in “take” of listed species, the action is also enforceable under the Endangered Species Act by the USFWS and/or NMFS

If the label says you have to comply with the bulletin and they don't, it is a misuse based on the label

Pesticide users who fail to follow label provisions applicable to their pesticide application, whether that failure results in harm to a listed species or not, would be subject to enforcement under the misuse provisions of FIFRA (section 12(a)(2)(G)). Products that do not bear appropriate endangered species labeling may be subject to enforcement under the misbranding provisions of FIFRA (section 12(a)(1)(E)). Absent an incidental take statement issued by the Services that authorizes take that may occur from the use of a pesticide consistent with its labeling, users maintain liability under section 9 of the ESA for any take that occurs as a result of pesticide application, regardless of whether label provisions were followed. While enforcement actions under FIFRA are brought by EPA and the States, enforcement of the ESA is the responsibility of the Services.

Take - modification of designated critical habitat; injury through habitat destruction

Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.”

## EPA Frequently Asked Questions (cont.)

- *My state has several listed species, but the limitations on Bulletins don't seem to match, why?*
  - Bulletins rely on range data from USFWS and NMFS, which may differ from local agencies by comparison
  - State listed (not Federally listed) species are not considered
  - Not all species may be at risk and need Bulletins

Updates to the species range need to be coordinated through USFWS. All accuracy for range data and critical habitat data should be directed to USFWS.

All other listed species in those states are a No Effect call

Regarding dicamba, while all listed species were assessed, only non-monocot plants were

## EPA Frequently Asked Questions (dicamba)

- *The docket for dicamba includes a county list, but it looks different on the Bulletins Live! Two application.*
  - Where available, sub-county species data were used to map the limitation.
    - While a county may be listed as impacted in the docket, it may not be county-wide
  - In some cases, only a very small portion of a county has a PULA.
- The obligation is to comply with labeling via BLT

## EPA Frequently Asked Questions (dicamba)

- *For dicamba Bulletins, would the omnidirectional 57' buffer (use limitation) still apply when no species or habitats are listed on the county Bulletins?*
  - Buffers only apply when the application location and month occur within a PULA.
  - Limitations are only in place where a species or critical habitat and the assessed use site is present. If these conditions were not met, the PULA would not be present and therefore the limitation would not apply

## EPA Where to direct questions?

- Endangered Species Protection Program

- Help desk inbox

- [espp@epa.gov](mailto:espp@epa.gov)

- Hotline

- 1-844-447-3813

- Your label may have several phone numbers on it.  
Review it carefully to ensure you are calling the  
intended one.

## EPA Resources

- **Bulletins Live! Two**

- <https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins>

- **Tutorial**

- <https://www.epa.gov/endangered-species/bulletins-live-two-bl-tutorial>

- **Quick Start Guide**

- <https://www.epa.gov/endangered-species/endangered-species-protection-bulletins#quick>